

ANALYSIS AND FINDINGS FOR HOME OCCUPATION TWO APPROVAL

Discussion

The following section evaluates the decision criteria for a Home Occupation Two. Following each approval criterion, findings are made, based primarily on the written narrative and plans submitted by the applicant, establishing that the criterion is met.

Major Issues

No major issues were identified.

Section 40.40.05. Home Occupation Applications; Purpose

The provisions of Home Occupation is to provide recognition of the needs or desires of many people to engage in small scale business ventures at home. It recognizes the potential advantages for reducing commuter travel when people work at home. It is also recognized that such uses, if not carefully regulated, may be incompatible with the purposes of residential districts. It is the intent of this section that these uses be allowed so long as they are not in violation of the terms of this section and do not alter the residential character of the neighborhood, infringe upon the right of neighboring residents to the peaceful enjoyment of their neighborhood homes, or otherwise be detrimental to the community at large. This Section is carried out by the approval criteria listed herein.

Director Decision Standards for Approval:

Section 40.40.15.2.C of the Development Code provides standards to govern the decision making authority to evaluate and render a decision on the Home Occupation Two application. The Facilities Review Committee has reviewed the Facilities Review criteria of Section 40.03, and found that there are conditions of approval applicable to the Home Occupation request. The decision making authority will determine whether the application as presented, meets the Home Occupation Two approval criteria. The decision making authority may choose to adopt, not adopt or modify the Committee's findings and recommended Conditions of Approval. In this report, staff evaluates the application in accordance with the criteria for Home Occupation Two.

Section 40.40.15.2.C Approval Criteria

In order to approve a Home Occupation Two application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. *The proposal satisfies the threshold requirements for a Home Occupation Two application.*

Facts and Findings:

The intent of this criterion is to ensure the proposed home occupation meets the thresholds listed in Section 40.40.15.2.A (1-6) of the Development Code.

The applicant proposes to operate a nail salon studio. The studio is proposed to be located in the southeast corner of the first floor of the dwelling unit. There will be no more than 8 daily customers on the premises and no more than two (2) clients at the location at the same time. A ventilation fan could be installed if required by the Building Division. The applicant proposes to use a “gel” style nail polish rather than the common acrylic nail polish to reduce odor.

Therefore, staff find that the criterion is met.

2. *All City application fees related to the application under consideration by the decision making authority have been submitted.*

Facts and Findings:

The applicant paid the required associated fees of \$225.00 with check number 1558, for a Home Occupation Two application on September 27, 2004. The City has issued receipt number 20046400 verifying payment has been made

Therefore, staff find that the criterion is met.

3. *The proposed home occupation is being undertaken by an occupant of the residence.*

Facts and Findings:

The intent of the criterion is ensuring that the business being conducted is in keeping with the purpose of the Home Occupation section of the code. That is, to allow the homeowner(s) to operate a business out of their residence without altering the character of the residential area.

The applicant states that the home occupation will be owned and operated by the occupant of the house. The applicant of the proposed Home Occupation is listed with Washington County Tax Assessor as the legal owner. However, staff has conditioned the application to conform to this criterion through condition of approval #1.

Therefore, staff finds that the proposal, as conditioned, meets the criterion for approval

4. ***The proposed home occupation is participating in and is consistent with the City's Business License Program and other agency licenses as appropriate to the proposed use.***

Facts and Findings:

The intent of this criterion is to ensure that the home occupation is consistent with City code requirements as stated in Chapter 7.01.020A. Which states, "no person shall conduct business within the City without a current, valid City business license."

The applicant has submitted a current City of Beaverton business license for the existing business at another location. Staff will condition the applicant to transfer the business license to the home occupation location.

Therefore, staff finds that the proposal meets the criterion for approval, as long as the applicant maintains a current City of Beaverton Business License as required by Condition of Approval #2.

5. ***The proposed home occupation shall be operated entirely within the dwelling, a conforming accessory structure, or both. No exterior storage of materials or equipment shall occur on the premises.***

Facts and Findings:

The intent of the criterion is to preserve the character of the site and surrounding neighborhood. The applicant states that the entire home occupation will be conducted entirely within the dwelling unit.

The applicant has stated that the entire home occupation will be conducted within the dwelling unit. There will be no exterior storage of materials. The applicant has submitted a detailed floor plan of the dwelling unit highlighting the portion of the house which will be used for the home occupation. Based upon a staff review of the site plan submitted with the application and condition of approval #3 & #4, staff finds that the home occupation will be conducted entirely inside the dwelling unit.

Therefore, staff finds that the proposal, as conditioned, meets the criterion for approval.

- 6. *The proposed home occupation will not change the use classification of the dwelling unit or accessory structures as determined by the City Building Official applying the State Building Code.***

Facts and Findings:

The intent of this criterion is to ensure the proposed project meets all standards of the Uniform Building Code, the Uniform Fire Code and other standards as required at the same time not changing the use classification of the dwelling unit.

The primary use at this site will continue to be classified as residential, with no change of occupancy classification to take place. Thus, the residence, which the Home Occupation is located, will be exempt from all applicable accessibility requirements as administered through the Uniform Building Code. Condition #5 requires conformance to the criterion.

Therefore, staff finds that the proposal, as conditioned, meets the criterion for approval.

- 7. *The proposed home occupation and associated storage of materials and products shall not occupy more than 700 gross square feet of floor area.***

Facts and Findings:

The intent of this criterion is to ensure that the home occupation and associated storage of materials and products shall not occupy more than 700 gross square feet of floor area of the dwelling unit. That is to make certain that the home occupation does not become a dominant feature or activity in the primary dwelling unit.

The applicant has stated that the home occupation will occupy approximately 200 square feet of the primary dwelling unit. Condition #11 requires conformance to the criterion.

Therefore, staff finds that the proposal, as conditioned, meets the criterion for approval.

- 8. *The subject property will continue to be used and maintained as a residence and will conform to all requirements of this and other City Codes as they pertain to residential property.***

Facts and Findings:

The intent of this criterion is to ensure that the residential dwelling unit is maintained primarily as a residential use and that the home occupation is subordinate to the primary use.

The applicant states that the subject property will continue to be used and maintained as a residence as permitted in the SC-HDR zoning district.

Therefore, staff finds that by Condition of Approval #6, the proposal meets the criterion for approval.

- 9. *The home occupation, including deliveries from other businesses, shall not include the use of tractor trailers, fork lifts, or similar heavy equipment.***

Facts and Findings:

The intent of this criterion is to ensure heavy equipment is not used as part of the home occupation.

The applicant states that no tractor-trailers, forklifts, or similar heavy equipment will be used as part of the home occupation.

Therefore, staff finds that the proposal meets the criterion for approval.

- 10. *There shall be no noise, vibration, smoke, dust, odors, heat or glare at or beyond the property line resulting from the operation of the home occupation.***

Facts and Findings:

The intent of this criterion is to ensure that there are no adverse effects of the home occupation beyond the property line on to adjacent properties.

The applicant states that the Home Occupation will produce no environmental effects (i.e., noise, vibration, smoke, dust, odors, heat or glare at or beyond the property line) resulting from the operation of the home occupation. The applicant states that an odor free gel nail polish will be used for the business. If the applicant does use acrylic nail polish, then a ventilation fan shall be installed. Condition #11 and #12 requires conformance to the criterion.

Therefore, Staff finds that the proposal meets the criterion for approval.

- 11. *There shall be no exterior storage of vehicles of any kind used for the business except that one (1) commercially licensed vehicle, which is not larger than a 3/4 ton pick-up, passenger van, or other vehicle of similar size, may be parked outside on the subject property, provided such parking complies with applicable parking restrictions.***

Facts and Findings:

The intent of this criterion of to ensure the home occupation does not maintain a fleet of vehicles on site to be used with the home occupation

The applicant stated that there will not be any exterior storage of vehicles of any kind used for the business.

Therefore, Staff finds that the proposal meets the criterion for approval.

- 12. *The proposal will not involve storage or distribution of toxic or flammable materials, spray painting or spray finishing operations, or similar activities that involve toxic or flammable materials which in the judgment of the Fire Marshall pose a health or safety risk to the residence, its occupants or surrounding properties.***

Facts and Findings:

The intent of this criterion is to ensure that the home occupation does not increase the risk of a fire in the residence and surrounding properties.

The applicant states that the home occupation will not involve the storage or distribution of toxic or flammable materials of any kind. The type of nail polish proposed to be used by the applicant does not state that there is an inherent danger due to vapors given off by the nail polish.

This application was forwarded to Tualatin Valley Fire and Rescue for their review. The Fire Marshall, review the proposed home occupation and no comments or conditions regarding this proposal insofar as fire apparatus access or firefighting water supplies are concerned.

Therefore, staff finds that the proposal meets the criterion for approval.

- 13. *There is no signage associated with the proposed home occupation aside from a name plate as allowed by Section 60.40.15 of this Code.***

Facts and Findings:

The intent of this criterion is to ensure that the potential for large signs, as seen in commercially zoned areas, are not erected in residentially zoned areas.

The applicant states they will be no exterior signage of any kind for the home occupation.

Section 60.40.15 of the Development Code allows name plates not exceeding two (2) square feet total for the home occupation. In addition to the size requirement the name plate shall be affixed to the exterior wall of the building.

Therefore, staff finds that by satisfying the conditions of approval, the proposal meets the criterion for approval. Condition #7 requires conformance to the criterion.

14. *Exterior remodeling will not alter the residential character of the building.*

The intent of this criterion is to ensure that the home occupation does not alter the residential character of the building, creating a structure that is not compatible with the neighborhood.

The applicant has indicated in the application that no exterior remodeling will take place as part of this Home Occupation. If the applicant does decide to use acrylic nail polish and a ventilation fan is installed, the ventilation fan will not change the residential character of the building.

Therefore, staff finds that by satisfying the conditions of approval, the proposal meets the criterion for approval. Condition #13 requires conformance to the criterion.

15. *Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence*

Facts and Findings:

The intent of this criterion is to ensure that all the necessary applications have been applied for, approved in the proper sequence, and reviewed by the Director or suitable Committee, Board, or Commission.

The applicant has filed for a shared parking agreement to have clients park their vehicles off premise while conducting business at the Home Occupation. With the other application under review all the necessary applications and related documents required for this application have been filed.

Staff find that all applications have been filed or approved prior to the Director's decision for this Home Occupation Two application.

Therefore, staff finds that the proposal meets the criterion for approval.